

**Maryland Board of Pharmacy  
Public Board Meeting  
Minutes**

Date: May 15, 2013

Name	Title	Present	Absent	Present	Absent
<b>Board Committee</b>					
Bradley-Baker, L.	Commissioner/Treasurer	✓		9	2
Chason, D.	Commissioner	✓		11	0
Finke, H.	Commissioner	✓		11	0
Gavgani, M. Z.	Commissioner	✓		10	1
Israbian-Jamgochian, L.	Commissioner	✓		10	1
Jones, David H.	Commissioner	✓		1	0
Matens, R.	Commissioner	✓		7	4
Smith, J.	Commissioner	✓		2	0
Souranis, M.	Commissioner/President	✓		10	1
St. Cyr, II, Z. W.	Commissioner	✓		11	0
Taylor, R.	Commissioner/Secretary	✓		8	3
<b>Board Counsel</b>					
Bethman, L.	Board Counsel	✓		11	0
Felter, B.	Staff Attorney	✓		10	1
<b>Board Staff</b>					
Naesea, L.	Executive Director	✓		11	0
Wu, Y.	Compliance Manager	✓		9	2
Waddell, L.	Licensing Manager	✓		5	0
Gaither, P.	Administration and Public Support Manager	✓		9	2
Jeffers, A.	Legislation/Regulations Manager	✓		11	0
Johnson, J	MIS Manager	✓		7	0

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
I. Executive Committee Report(s)	A. M. Souranis, Board President	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> <li>1. M. Souranis called the Public Meeting to order at 9:52 a.m.</li> <li>2. M. Souranis requested all meeting attendees to introduce themselves, to sign the guest log and to indicate whether they would like continuing education credits.</li> <li>3. Members of the Board with any conflict of interests relating to any item on the agenda were advised to notify the Board.</li> <li>4. M. Souranis reported that all handouts were to be returned by attendees when they leave the meeting.</li> <li>5. M. Souranis welcomed the Board's two newest members, Jermaine Smith and David H. Jones, to the Board.</li> <li>6. Review and approval of April 17, 2013 public board meeting minutes. The April 17, 2013 minutes were amended as follows: <ul style="list-style-type: none"> <li>• Page 15, III. Committee Reports. A. Practice Committee. 2) MOU with UM School of Pharmacy. Place in "Action column the following language:</li> </ul> <p>"The Board agreed to support the concept of the MOU but would not support a call center. In addition, the Board would consider offering grant money after the Board receives addition information."</p> <ul style="list-style-type: none"> <li>• Page 18, III. Committee Reports. B. Licensing</li> </ul> </li> </ol>	<p>Motion by D. Chason to approve the April 17, 2013 minutes as amended and shown in these minutes. Motion was seconded Z. St. Cyr, II.</p>	<p>Motion was approved.</p>

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		<p>Committee. 3. New Business. H. Dr. Paul Jarosinski. In Action column add that the Motion was seconded by M. Gavgani.</p> <ul style="list-style-type: none"> <li>Page 19, E. Emergency Preparedness Task Force. In Discussion column change date from May 6, 2013 to June 3, 2013.</li> </ul>		
II. Executive Director's Report	A. Executive Director, L. Naesea	<p><b>1. Operations Updates –</b></p> <p>L. Naesea noted that in addition to the Executive Director's report she will also be giving the reports of Patricia Gaither, Administration and Public Support Manager and LaToya Waddell, Licensing Manager. Both Ms Gaither and Ms. Waddell are present today but are working on matters that require their undivided attention.</p> <ul style="list-style-type: none"> <li>The Memorandum of Understanding (MOU) with DHMH and the Division of Drug Control L. Naesea stated that a letter was sent to Jennifer Neman conveying the Board's overall support of the concept of the MOU but that the Board would not be a part of the MOU itself as the Board has concerns about the call center and would not support a call center unless it was voluntary. In addition the letter mentioned that Ms. Neumann could apply for a grant and that the Board would consider the grant relating to some components of the MOU.</li> <li>L. Naesea reported that the Board is having problems with the on-line renewal for Wholesale Distributors and that the Board's MIS Manager, John Johnson, will give a more detailed report on that matter but the Board may have to vote on shutting down the on-line renewal system and going to a paper renewal until the matter is corrected. The Board has been in constant contact with Systems Automation, the Board's vendor, and L. Naesea is waiting on a call this morning on this matter.</li> <li>On last walk-thru of the 5<sup>th</sup> floor was done and the Board has been informed that the EARLIEST the Board would be required to move would be July 1, 2013. The Board</li> </ul>	<p>Motion by L. Israbian-Jamgochain to join in with the other Health Occupation Boards in letter of opposition to MHCC's proposal of raising tax from 18% to 22% . Motion was seconded by D. Chason.</p>	<p>Motion was approved.</p>

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		<p>will have a small work room and a small conference room and will share a large conference room with the other smaller Boards. The Board's seating chart has also been finalized.</p> <ul style="list-style-type: none"> <li>• The BOP Managers acknowledged the hard work of all of their staff by holding an in-house breakfast for Administrative Professionals Day on April 29, 2013.</li> <li>• The BOP Managers are working on the three or four reports the Board is required to prepare in response to the Sunset Report. These reports will be forwarded to the Executive Committee by the July, 2013 meeting.</li> <li>• Lawrence Tate, the Board's senior aid, recently lost his daughter and Mr. Tate would like to thank everyone for their support.</li> </ul>		
B. Administration & Public Support	Administration & Public Support Manager, P. Gaither	<p><b>1. Personnel Updates - Vacancies and Recruits</b></p> <p>Approval was received to lift the freeze exemption and on May 7, 2013 recruitment has begun for the Pharmacist II inspector position which is a 50/50 position. A selection has been made for the Administrative Officer inspector position and more information on that candidate will be made available at next month's board meeting. The Board is still awaiting the reclassification of Tiffany Duncan, Licensing Secretary to Licensing Specialist. As a result the Board cannot recruit for the licensing secretary position until that position is vacated. Lastly Stephen Holmes' reclassification was approved and his title is now Management Associate., congratulation to Mr. Holmes.</p> <p><b>2. Contracts and Procurement</b></p> <p>None reported this month.</p>		
		<ul style="list-style-type: none"> <li>• J. Johnson reported that the Board is having</li> </ul>		

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		<p>significant problems with the online renewal system for Wholesale Distributors. The Board may need to shut down the on-line renewal system for wholesale distributors until the issue can be resolved with the Board's vendor, System Automation. This issue will be discussed in greater detail during the Board's Executive Board Meeting today.</p> <ul style="list-style-type: none"> <li>The two companies that bid on the Board's scanning project had many follow up questions which J. Johnson has responded to and answered. The Board is now waiting on final bids from these two companies so that a selection can then be made.</li> <li>During Mr. Johnson's MIS report the Board voted to extend the two week deadline to submit a complete wholesale distributor paper renewal application to the Board from May 17, 2013, to May 22, 2013.</li> <li>The Board discussed and voted on a letter to be posted on the Board's public website notifying wholesale distributors of the above mentioned extension of time to submit a complete wholesale distributor paper application. In addition, the letter would allow wholesale distributors to submit a paper renewal application without the normally required federal background check results to be included as long as the applicant can submit "sufficient" evidence that the applicant has submitted the required FBI background check request. The letter was amended</li> </ul>	<p>Motion by L.. Bradley-Baker to extend the two week deadline to submit a complete wholesale distributor paper renewal application to the Board from May 17, 2013, to May 22, 2013. The motion was seconded by R. Taylor.</p> <p>Motion by L. Bradley-Baker to accept amended letter to wholesale distributors regarding extension of time to file wholesale distributor paper renewal application and proof of request for FBI back- ground check. Amended letter is attached</p>	<p>Motion was approved.</p> <p>Motion was approved.</p>

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		and the amended letter which the Board voted on approved is attached hereto and marked as "Attachment No. 1."	hereto and marked as "Attachment No. 1." Motion was seconded by M. Gavvani.	
D. Licensing	L. Waddell, Licensing Manager	<p>Monthly Statistics for April, 2013.</p> <p>Pharmacists:</p> <ul style="list-style-type: none"> <li>• New Applications – 67</li> <li>• Renewals – 342</li> <li>• Total Licensed – 9334</li> </ul> <p>Pharmacists Administer Vaccinations:</p> <ul style="list-style-type: none"> <li>• New Applications – 29</li> <li>• Renewals – 0</li> <li>• Total Certified - 3110</li> </ul> <p>Technicians:</p> <ul style="list-style-type: none"> <li>• New Applications – 165</li> <li>• Renewals – 138</li> <li>• Total Registered –8376</li> </ul> <p>Student Technicians</p> <ul style="list-style-type: none"> <li>• New Applications – 54</li> <li>• Renewals – 3</li> <li>• Total Registered – 639</li> </ul> <p>Pharmacies:</p> <ul style="list-style-type: none"> <li>• New Applications – 14</li> <li>• Renewals – 0</li> <li>• Total Pharmacies- 1858</li> </ul> <p>Distributors:</p>		

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		<ul style="list-style-type: none"> <li>• New Applications – 10</li> <li>• Renewals – 8</li> <li>• Total – 1023</li> </ul>		
E. Compliance	<p>C. Jackson, Compliance Secretary</p> <p>Gil Cohen, PEAC</p>	<p>1. Monthly Statistics for April, 2013</p> <p><u>Complaints &amp; Investigations:</u>            New Complaints- 39            Resolved (Including Carryover) – 27            Final disciplinary actions taken – 5            Reversal – 0            Summary Actions Taken – 0</p> <p><u>Inspections:</u> 108            Annual Inspections- 102            Opening Inspections- 5            Relocation Inspections- 1            Board Special Investigation Inspections – No report.</p> <ul style="list-style-type: none"> <li>• Total Pharmacist Rehabilitation Committee Clients – 21</li> <li>• Pharmacist Clients – 18</li> <li>• Technician Clients – 0</li> <li>• Pharmacy Student Clients – 2</li> <li>• Clients Monitored by Board Req. PEAC Assistance – 1</li> <li>• Drug Testing Results – 32</li> <li>• Number of Positive Results - 0</li> </ul>		
F. Legislation & Regulations	A. Jeffers, Legislation & Regulations Manager	<p><b><u>LEGISLATION:</u></b></p> <p><b>Durable Medical Equipment Provider Task Force –</b></p> <p>Would the Board support legislation in the 2014 Legislative Session that removes devices from the Maryland Pharmacy Act</p>	Motion by R. Matens to not move forward with the DME regulations and	Motion was approved.

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		<p>for pharmacies only?</p> <p>Mitra Gavgani explained the challenges of drafting regulations for pharmacies that only dispense devices. She believes there is sufficient oversight now by other federal and State agencies. Discussion ensued. It was mentioned that DME should not be within the Board's purview. <b>The Board voted to hold the regulations for now and wait for the 2014 Legislative Session.</b> If a bill is introduced to remove DME/Device only dispensers from the Maryland Pharmacy Act, the Board will consider supporting the initiative depending on the details.</p> <p><b><u>REGULATIONS:</u></b></p> <p><b>10.34.03 – Inpatient Institutional Pharmacies</b> Proposal submitted March 19, 2013. With the Secretary of sign off.</p> <p><b>10.34.14 – Opening and Closing of Pharmacies and 10.34.30 – Change to Permit – Pharmacy or Distribution Permit Holder.</b> Published April 19, 2013. 30 day comment period to follow. Comments to be discussed at Practice Committee.</p> <p><b>10.34.19 Sterile Pharmaceutical Compounding (Emergency)</b> Proposal and Emergency Proposal submitted March 19, 2013. Linda Bethman holding while new waiver regulations are drafted.</p> <p><b>The Board approved</b> a draft of revisions to COMAR 10.34.19 that included a new regulation for compounding of sterile drug products and another new regulation for entities that might request a waiver of requirements for sterile drug products.</p> <p>To be released to the Secretary initially and then informally to stakeholders. Any further revisions to be approved at the June 19, 2013 Board Meeting.</p> <p>Sterile Compounding Subcommittee to continue to meet to address regulations for the sterile compounding permit to be</p>	<p>instead to wait for the 2014 legislative session. Motion was seconded by D. Jones.</p>	



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		<p>phased in by April 1, 2014.</p> <p><b>10.34.22 – Licensing of Wholesale Prescription Drug or Device Distributors (Emergency)</b>  Published April 19, 2013. 30 day comment period to follow.  Emergency was withdrawn on April 25, 2013.</p> <p>AELR putting this proposal on hold so it will not become effective until SB 595 becomes effective on October 1, 2013.</p> <p><b>Board approval requested</b> to resubmit with definitions that coincide with SB 595 with an October 1, 2013 effective date.</p> <p>COMAR 10.34.22 will be addressed at the May 22, 2013 Practice Committee Meeting. No Board action at today’s meeting.</p> <p><b>10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities</b>  Anticipated to be published May 31, 2013. 30 day comment period to follow.</p> <p><b>10.34.33 Prescription Drug Repository Program</b>  Proposal to be submitted in the near future.</p> <p><b>10.34.36 – Pharmaceutical Services to Residents in Assisted Living Programs and Group Homes</b>  Notice of Final Action published May 3, 2015 with a June 15, 2013 Effective Date.</p> <p><b>10.13.01 Dispensing of Prescription Drugs by a Licensee</b>  Labs and other Boards submitted comments. <b>Board approval requested</b> for the Board’s response to those comments:</p> <p><u><b>Jenn Newman's email -comments on 10.13.01 042613</b></u></p> <p><u><b>Draft Board Response to Labs, Dentists,</b></u></p>	<p>Motion by Legislative Committee to approve the response to Jenn Newman regarding COMAR 10.13.01 as stated in these minutes. Motion was</p>	<p>Motion was approved.</p>

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		<p><b><u>Physicians&amp;Podiatrists</u></b></p> <p><b>The Board approved the following response:</b></p> <p>Jennifer Newman, MPH Deputy Director, Administrative and Support Operations Maryland DHMH Laboratories Administration 201 West Preston Street Baltimore, Maryland 21201 <a href="mailto:Jennifer.Newman@maryland.gov">Jennifer.Newman@maryland.gov</a></p> <p>Dear Ms. Newman:</p> <p>Thank you for submitting comments regarding the proposed revisions to COMAR 10.13.01 Dispensing of Prescription Drugs by a Licensee, on behalf of the Board of Dental Examiners, Board of Physicians, Board of Podiatric Medical Examiners and the Division of Drug Control.</p> <p><b>Board Response to Items I, II, and III:</b></p> <p><b>I. Please remove the following: 10.13.01.03. Application for dispensing permit.(E). Each permit issued to a licensee shall be for a specific location and is non-transferable.</b> <u>Basis for removing:</u> DDC assessed their fiscal impact on the basis of number of dispensing permits. Professional Boards issue permits to the practitioner and not the location; DDC has not requested resources sufficient to inspect each location in which a practitioner is practicing. Moreover, the statute does not require a separate dispensing permit for each location;</p> <p><b>II. Amend the following to: 10.13.01.4. Dispensing Requirements.(G).</b> A licensee shall allow DDC to enter and inspect the licensee's practice location at all reasonable hours. <u>Basis for change:</u> A licensee's office may not be at the location of the practice, moreover practice location is more inclusive and implies more breadth of inspection authority for DDC (i.e., inspect any records in the entire location of licensee); and</p> <p><b>III. Amend the following to: 10.13.01.05. Inspection Requirements. (B).</b> A licensee shall allow DDC to enter and inspect the licensee's practice location at all reasonable hours.</p>	seconded by D. Chason.	

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		<p><u><i>Basis for change:</i></u> Please see above (II):</p> <p>COMAR 10.13.01.04G (Item II), in brackets in the proposal, had been deleted from the proposal before submission and the Board will not be adding it back in. The Board of Pharmacy (the “Board”) will revise the proposal substituting “practice location” for “office” in 10.13.01.05B.</p> <p>Nonetheless, the Board understands that requiring a separate permit for each specific dispensing location is not in statute, however; the Board believes it is a reasonable interpretation of SB 603 that all sites where drugs are dispensed be inspected. The Board, therefore will propose that the regulations require that each dispensing licensee list all practice locations where prescription medications are dispensed on the initial application and renewal applications for a dispensing permit, and that the site from where prescription drugs are dispensed under the practitioners’ permit are inspected; as is the intent of SB 603.</p> <p><b>Board Response to Item IV:</b>  <i>Amend the following to: 10.13.01.05. Inspection Requirements. (C3). Report results of inspections required under §C(1) and (2) of this regulation to the respective board of licensure based on DDC's determination of risk to public health and safety.</i>  <u><i>Basis for change:</i></u> <i>It is not necessary to send all inspection reports to respective Boards; they are confident DDC will provide as determined by their experience and interpretation of a practitioner's risk to the public's health.</i></p> <p>The Board believes strongly that all inspection reports should be sent to the respective board of licensure of the dispenser. The Division of Drug Control is designated in the statute to inspect locations where drugs are dispensed only. The Division of Drug Control does not issue dispensing permits to practitioners, and therefore; is not authorized or responsible for evaluating whether State requirements for dispensing are met.</p> <p>Determination of compliance by dispensing practitioners is the responsibility of the regulatory board that issues the dispensing permit. To otherwise delegate that authority deprives the regulatory boards of the knowledge of activities performed under the permits they issue and of the ability and responsibility to determine appropriate action(s) for any and all inspection reports.</p>		

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		<p><b>Board Response to Item V:</b>  <i>Amend the following: 10.13.01.05. Inspection Requirements. E. A licensee shall sign and date an inspection form provided by DDC relating to the requirements.....</i>  <i>Basis for removing: There is no need to provide an additional acknowledgment form beyond the inspection form. Moreover an attestation to statutory requirements is included in professional boards' application.</i></p> <p>The Board believes that requiring the signature of the dispensing licensee on inspection forms has a twofold purpose. First, and foremost, it requires the dispensing licensee to be present when the inspection is performed. Second, the dispensing licensee's presence is important so that the dispensing licensee will be aware of all dispensing requirements and be educated by the inspector regarding any inspection deficiencies.</p> <p><b>Board Response to Item VI:</b>  <i>Please amend the following within 10.13.01.06. Failure to Comply. A licensee who fails to comply with the requirements governing dispensing of prescription drugs may be subject to disciplinary action pursuant to Health Occupations Article, §4-315(a), 14-404, or 16-312, Annotated Code of Maryland. <u>Basis for removing:</u> Cannot revoke a permit without due process.</i></p> <p>The Maryland Board of Pharmacy believes that it is in the best interest of the health, safety, and welfare of the public not to remove this provision in order to effectuate all the safety standards and protections in place with respect to practitioner dispensing. This language is delineated directly from the statute that meets the legislative intent of SB 603 and spirit of the law. The revocation of the dispensing permit rests with the individual boards whose expertise in 'dispensing' and purpose are directed towards any violations or improprieties and have been legislatively charged with such responsibilities to protect the citizens of Maryland without due process infringement. See Health Occupations Article, 12-102(i), Annotated Code of Maryland.</p> <p>Attached with this letter is the revised proposal. Should you have questions or additional concerns, please feel free to contact me or Anna D. Jeffers, Legislation and Regulations Manager at (410) 764-4794.</p>		

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		<p><b><u>Other Matters</u></b></p> <p><b>Drug Therapy Management</b></p> <p><b>Board approval requested</b> for the following forms:</p> <p><b><u>Pharmacist's Information Form</u></b> - Board approved</p> <p><b><u>Application for Participation in Drug Therapy Management</u></b> – Board approved</p> <p><b>Board approval requested</b> for Practice Committee to determine whether or not a pharmacist is qualified to participate in DTM. Any denials will be brought before the full Board.</p> <p><b>The Board approved review of pharmacist qualifications by the Practice Committee. Any denials of a pharmacist's qualification will be brought before the full Board.</b></p>	<p>Motion by Legislative Committee to approve Pharmacist's Information Form. Motion was seconded by M. Gavgani</p> <p>Motion by M. Gavgani to approve Application for Participation in Drug Therapy Management as amended to include a cover letter of instruction. Amended motion was seconded by D. Jones.</p> <p>Motion by Practice Committee to require Practice Committee to review all pharmacist qualifications and any denials will go before the full Board. Motion was seconded by D. Chason.</p>	<p>Motion was approved.</p> <p>Motion was approved.</p> <p>Motion was approved.</p>

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<p>III. Committee Reports</p> <p>A. Practice Committee</p>	H. Finke, Chair,	<p><b>Inquiries:</b></p> <p>1) Jackson Boyd, Mapagroup  <b>Please watch the video at the following link:</b>  <a href="http://fagorhealthcare.com/en">http://fagorhealthcare.com/en</a></p> <p><b><u>Jackson Boyd</u></b></p> <p><b><u>Draft Bd Response - Round multidose packaging</u> The Board approved the following response:</b></p> <p>Dear Mr. Boyd:</p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning a device that packages multiple medications into a circular blister pack based on day and time of administration by the patient or the patient's caregiver.</p> <p>Please be advised that if the label on the multi-dose packet or unit dose packet contains all of the items that are required for prescription medications in Maryland for each medication included in each individual multi-dose packet or unit-dose packet, then this type of packaging would be in compliance with Maryland Law. If any medication in a multi dose packet is discontinued, or there is a change in regimen, then the entire card should be returned to the pharmacy.</p> <p>The device that actually packages the medications into the circular blister pack would be regulated as a centralized automation medication system under COMARS 10.34.28.04.</p> <p>2) Martin R. Dix, Akerman law firm</p> <p><b><u>Vet - pharm pays percentage of reimbursement</u></b></p> <p><b><u>Draft Bd Response - Veterinarian percentage</u> – The Board approved the following response:</b></p>	<p>1. Motion by Practice Committee to approve draft Board response to Jackson Boyd, Mapagroup as stated in these minutes. Motion was seconded by R. Matens.</p> <p>2. Motion by Practice Committee to approve draft Board response to Martin R. Dix as stated in these minutes. Motion was seconded by R. Matens.</p>	<p>Motion was approved.</p> <p>Motion was approved.</p>

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		<p>Dear Mr. Dix:</p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning whether it is permissible for a pharmacy to pay veterinarians a percentage of reimbursement received for prescriptions for veterinary drugs.</p> <p>Please be advised that the Board would consider a pharmacy paying veterinarians a percentage of reimbursement received for prescriptions to be a violation of the Maryland Pharmacy Act. See Health Occupations Article, 12-313(b)(12), Annotated Code of Maryland.</p> <p>3) Disciplinary Committee recommended that it is acceptable to <u>not</u> block out the name and rx number from a prescription bottle returned to stock. Practice Committee recommended that it is a good practice to block out names to comply with HIPAA. When dispensed – patient identification is required to be removed from the existing label. This may be done by putting the medications into a bottle with a new label. <b>Board approval requested.</b> <b>The Board voted that how labels are handled for return to stock bottles is up to the individual pharmacist.</b></p> <p>4) Hot and cold running water requirement (COMAR 10.34.14.02) – Practice Committee recommends not changing the regulations to allow for grandfathering of pre-existing cold water pharmacies. <b>Board approval requested. The Board made no motion to change the existing requirement.</b></p>	<p>3. Motion by L. Israbian-Jamgochian that it is up to each individual pharmacist to decide whether to block out or not to block out the name and Rx number from a prescription bottle returned to stock. Motion was seconded by D. Chason.</p> <p>4. Informational item only, no action was taken on this matter as COMAR 10.34.14.02 addresses the requirement of hot and cold running water in a pharmacy.</p>	Motion was approved.

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B. Licensing Committee	D. Chason Chair, Reported by L. Bradley- Baker	<p><b>1. Review of Pharmacist:</b></p> <ul style="list-style-type: none"> <li><b><u>Maame Sampson</u></b> - Applicant is requesting a waiver of \$300 reactivation fee as she states that she submitted the fee January 2012 and nothing was done with her application. She was waiting for approval to take the test from both NABP and MD and due to the lack of communication between the two agencies, her application expired. Licensing recommendations is to reactivate application and give applicant until 04/30/2014 to complete the process and become license as a pharmacist.</li> </ul> <p><b>2. New Business:</b></p> <ul style="list-style-type: none"> <li><b><u>IV Solutions</u></b> – Would like a waiver of the requirement to have hours of operation posted. Licensing recommendation is to deny. Concerns were made about the hours of operation being 24 hours.</li> <li><b><u>Scott Kijowski</u></b> – Would like to know if he still needs a MD licensed pharmacist on staff if he only services Scotts Miracle-Gro employees and their dependents, only people on the medical plan. Licensing recommendation is to deny. Must have license MD Pharmacist on staff at all times.</li> </ul>	<p>1. <b><u>Maame Sampson</u></b> - Motion by Licensing Committee to reactivate application and give applicant until 04/30/2014 to complete the process and become license as a pharmacist. Motion was seconded by R. Matens.</p> <p>2. <b><u>IV Solutions</u></b> – Motion by Licensing Committee to inform IV Solutions of the regulations on posting of pharmacy hours (COMAR 10.34.05.03B) and clarify to IV Solutions that this means the pharmacy must post hours open to the public, if, and only if the pharmacy/prescription area has different hours than the establishment it is located in..</p> <p>2. <b><u>Scott Kijowski</u></b> – Motion by Licensing Committee to deny request of Scott Kijowski. Must have licensed Maryland pharmacist on staff at all times. Motion was seconded by M. Gavgani.</p>	<p>Motion was approved.</p> <p>Motion was approved.</p> <p>Motion was approved.</p>



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		<ul style="list-style-type: none"> <li>• <b><u>Cahill and Associates</u></b> – Representative for Terumo Medical Corporation states that someone from the Board told them that all Distributor permits expired 12/31/2012. They sent in four applications in January so that they would have complete two years. Would like the Board to reconsider granting an extension for permit to expire 2015 for new applicants such as Terumo. Licensing recommendation is to deny. Due to statute change, all Distributors must renew by 05/31/2013.</li> <li>• <b><u>Cardinal Health</u></b> – Would like waiver of past experience needed for an eligible designated representative. Licensing recommendation is to deny. Must meet the requirements of a Designated Representative.</li> <li>• <b><u>Wholesale Distributor Extension</u></b> – Review extension letter for out-of-state distributors pending FBI and State Background check results. Licensing recommendation is to approve extension.</li> <li>• <b><u>Online Renewal Survey</u></b> – As directed by Sec. Sharfstein, we will be using the same customer service post-on-line renewal evaluation survey that most other Boards have already implemented. FYI to the Board.</li> </ul>	<p>2. <b><u>Cahill and Associates</u></b>- This matter was tabled and moved to the Closed Board Meeting.</p> <p>2. <b><u>Cardinal Health</u></b> - This matter was tabled and moved to the Closed Board Meeting.</p> <p>2. <b><u>Wholesale Distributor Extension</u></b> - Motion by L. Bradley-Baker to approve amended extension letter for out-of-state distributors pending FBI and State Background check results. The amended letter is attached hereto and marked as “Attachment No. 1.”</p> <p>2. <b><u>Online Renewal System</u></b> - Online renewal system is an information item only, no action was taken.</p>	Motion was approved.

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
C. Public Relations Committee	L. Bradley-Baker, Chair	<p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> <li>• Congratulations to the Board staff for all of their hard work at the Baltimore Flower Mart held on May 3, 2013. The Board won first place for “Best Booth.” In the health care category. Thanks to YuZon Wu who was present all day as the Boards pharmacist and also thanks to the University of Maryland School of Pharmacy as well as Notre Dame School of Pharmacy student who volunteered and administered blood pressure screenings to the public all day. Special thanks to Patricia Gaither, Janet Seeds, Rhonda Goodman, Anna Jeffers and Stephen Holmes who set up the booth and manned the booth all day.</li> <li>• The Board will be participating in the Exhibit Hall Session of the Maryland Pharmacists Association Annual Meeting on Sunday, June 9, 2013.</li> <li>• The Public Relations Committee is still trying to confirm a date for Admiral Giberson to speak at the Board’s annual continuing education breakfast. The Committee will give Admiral Giberson until June to get back to the committee with a date and if he is not able to speak at the Board’s annual continuing education event the Public Relation Committee will suggest an alternative speaker for the Board’s consideration.</li> <li>• </li> </ul>		
D. Disciplinary	L. Israbian-Jamgochian, Chair	Disciplinary Committee Update – No update this month.		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
E. Emergency Preparedness Task Force	L. Bradley-Baker, Treasurer	<p>Emergency Preparedness Task Force Update :</p> <ul style="list-style-type: none"> <li>The Emergency Preparedness Task Force is working to have an emergency preparedness training drill which will include faculty and staff from the University of Maryland Eastern Shore School of Pharmacy . This training drill will be held on Monday, June 3, 2013.</li> <li>R. Matens reported that he may have to step down as Chair of the Emergency Preparedness Task Force as he has conditionally accepted a position as Director of Human Services with Union County, North Carolina.</li> </ul>		
IV. Other Business & FYI	M. Souranis, President	Z. St. Cyr, II discussed having the Board amend Health Occupation Article § 12-203 which at present does not allow for non-pharmacist commissioners to be elected as one of the three board officers.	Motion by Z. St. Cyr, II to amend HO 12-203 to allow consumer members of the Board to serve as Board Officers. Motion was seconded by M. Gavvani.	Motion was approved.
V. Adjournment	M. Souranis, President	<p>The Public Meeting was adjourned at 12:37 <u>P.M.</u></p> <p>At <u>1:10 P.M.</u> M. Souranis convened a Closed Public Session to conduct a medical review of technician applications.</p> <p>C. The Closed Public Session was adjourned at 1:55 P.M. Immediately thereafter, M. Souranis convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.</p>	Motion by R. Matens, to adjourn the Public Board meeting pursuant to State Government Article 10-508a)(13) and (7) for the purpose of engaging in medical review committee review deliberation regarding confidential matters in applications Meeting. The motion was seconded by Z. St. Cyr, II.	Motion was approved.

**ATTACHMENT NO. 1**



STATE OF MARYLAND

**DHMH**

**Department of Health and Mental Hygiene**

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor –  
Joshua M. Sharfstein, M.D., Secretary

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**MARYLAND BOARD OF PHARMACY**

*4201 Patterson Avenue • Baltimore, Maryland 21215-2299*

*Michael N. Souranis, Board President - LaVerne G. Naesea, Executive Director*

May 15, 2013

Re: Wholesale Distributor Permit Renewal

Dear Wholesale Distributor Permit Holder:

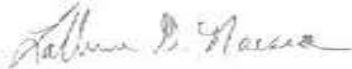
As you know, Maryland Wholesale Distributor Permits are set to expire on May 31, 2013. The Maryland Board of Pharmacy (the "Board") understands that certain permit holders experienced issues when attempting to renew their permits online. Pursuant to Md. Code Ann., State Gov's § 10-226(b), a permit does not expire until the Board takes action on the renewal application as long as the permit holder "makes sufficient application for renewal" of the permit "at least 2 calendar weeks before a [permit] expires." Due to the online renewal issues the system has been shut down. The Board will extend the two week deadline to submit a complete paper renewal application to the Board from May 17, 2013, to May 22, 2013. Applicants who submit complete applications and all required attachments to the Board, postmarked by May 22, 2013, will be allowed to continue working on its existing permit after May 31, 2013, while the Board processes the renewal application.

The Board is also aware that some permit holders have experienced issues acquiring federal background checks and that background checks sent directly to the FBI can take up to eight (8) weeks to yield results. The Board normally requires federal background check results to be included with a complete renewal application; however, the Board has determined that it will treat a renewal application as “sufficient” if evidence that the applicant has submitted the required FBI background requests are included with the otherwise complete application. Again, such applicants will be allowed to continuing working on their existing permits only if their renewal applications are submitted and postmarked on or before May 22, 2013. A renewal application will not be processed in full until the results of the federal background checks are received by the Board.

Please contact Latoya Waddell, Licensing Programs Manager, at (410) 764-4704, or by email at [latoya.waddell@maryland.gov](mailto:latoya.waddell@maryland.gov) with any questions or concerns.

NOTE: Facilities allowed to operate after May 31, 2013 while the Board processes their applications, may be verified on the Board’s web site at: <http://dhmh.maryland.gov/pharmacy>. The term “ACTIVE” is reflected for the distributor if a Board determination is pending (will reflect 5/31/2013 expiration) or a renewed permit has been issued. All other designations (“NON-RENEWED” or “CLOSE”) signify that the wholesale distributor permit is not active and prescription drugs or devices may not be distributed under the Maryland permit number.

Sincerely,

A handwritten signature in dark ink, appearing to read "LaVerne G. Naesea", written in a cursive style.

LaVerne G. Naesea  
Executive Director

cc: Latoya Waddell